



State of Wisconsin
2011 - 2012 LEGISLATURE



LRB-1514/P1
RCT&RNK:kjf:rs

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT ...; relating to:** relating to:the budget; relating to:the budget; relating
2 to:the budget; relating to:the budget; relating to:the budget; relating to:the
3 budget; relating to:the budget; relating to:the budget; relating to:the budget;
4 relating to:the budget; relating to:the budget

Analysis by the Legislative Reference Bureau

ENVIRONMENT

***** ANALYSIS FROM -1050/P3 *****

RECYCLING

Current law generally prohibits a person from disposing of certain materials, such as aluminum containers, in a landfill or incinerator. Current law also requires a municipality to operate a recycling or other program to manage solid waste in compliance with the disposal restrictions, unless the county assumes this responsibility. DNR administers a program that provides financial assistance to local governments that operate recycling programs.

This bill eliminates the requirement that a municipality or county operate a recycling or other program to manage solid waste in compliance with the disposal restrictions. The bill also eliminates the financial assistance program for local governmental recycling programs. The bill prohibits an individual from placing materials such as aluminum containers in a container the contents of which will be disposed of in a landfill or incinerator.

***** ANALYSIS FROM -1320/2 *****

Under current law, the main sources of revenue for the segregated recycling and renewable energy fund are the recycling tipping fee and the recycling surcharge. Currently, the recycling tipping fee is \$7 per ton of solid waste disposed of, other than certain kinds of high-volume industrial waste. The recycling surcharge, which ranges from \$25 to \$9,800 annually, is imposed on businesses that have at least \$4,000,000 in gross receipts.

This bill renames the recycling and renewable energy fund to be the economic development fund and renames the recycling surcharge to be the economic development surcharge. Under the bill, \$4 per ton of the recycling tipping fee is deposited in the economic development fund and \$3 per ton is deposited in the environmental fund. The bill also changes the current appropriations from the recycling and renewable energy fund that are for purposes related to the environment to be from the environmental fund.

*** ANALYSIS FROM -1328/3 ***

WATER QUALITY

Current law requires, DNR to promulgate rules prescribing performance standards for facilities or practices that cause, may cause, water pollution that does not result from a discernible, confined, and discrete conveyance (nonpoint source water pollution).

This bill requires DNR to repeal and recreate its nonpoint source water pollution rules effective 90 days after this bill's effective date and specifies that the rules may not be more stringent than the requirements under the federal Water Pollution Control Act. The bill also specifies that, to the extent allowed under federal law, if DNR's rules establish a deadline for certain municipalities to achieve a minimum reduction regarding certain runoff from existing development, the rules must also provide that the fixed-date deadline does not apply to a municipality if the deadline would have a significant adverse economic impact on that municipality.

*** ANALYSIS FROM -1329/1 ***

Under current law, DNR may promulgate rules that establish effluent limitations concerning the discharge of phosphorous if the federal Environmental Protection Agency has not promulgated a phosphorus discharge limitation, standard, or prohibition.

This bill prohibits DNR from establishing phosphorous effluent limitations that are more stringent than the effluent limitations established by any of the states of Illinois, Indiana, Michigan, Minnesota, or Ohio.

*** ANALYSIS FROM -1369/1 ***

Under current law, DNR establishes statewide standards for erosion control at commercial building sites. Plans for erosion control at commercial building construction sites must be submitted to, and approved by, DNR or a county, city, village, or town to which DNR has delegated authority to act (delegated municipality). Current law also requires DNR or a delegated municipality to inspect erosion control activities and structures at commercial building construction sites. Under current law, DNR, or a delegated municipality may issue a special order to obtain compliance with these requirements.

This bill transfers the responsibility for administering the laws with regard to erosion control at commercial building sites from DNR to DRL, renamed the Department of Safety and Professional services under this bill.

***** ANALYSIS FROM -1033/3 *****

Under the Clean Water Fund Program, this state provides financial assistance as subsidized rates for projects that controll water pollution. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate.

Under current law, the interest rate for projects that are necessary to prevent a municipality from exceeding a pollution limit in its wastewater discharge permit is 60 percent of the market interest rate, the interest rate for projects for the treatment of nonpoint source pollution and urban storm water runoff is 65 percent of the market interest rate, and the interest rate for projects for unsewered municipalities is 70 percent of the market interest rate. This bill changes the interest rate for all of these kinds of projects to 80 percent of the market interest rate.

The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2011-13 biennium at \$54,400,000. The bill also increases the revenue bonding authority for the Clean Water Fund Program by \$353,000,000.

Another form of financial assistance that this state provides under the Clean Water Fund Program is financial hardship assistance. Current law limits the amount that this state may provide to a municipality in the form of financial hardship assistance to 15 percent of the total Clean Water Fund Program present value subsidy in a fiscal biennium. This bill changes the percentage to 5 percent.

Under the Safe Drinking Water Loan Program, this state provides loans at subsidized rates to local governmental units for construction or modification projects for public water systems. The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. This bill sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the 2011-13 biennium at \$30,700,000 and increases the general obligation bonding authority for the Safe Drinking Water Loan Program by \$9,400,000.

BONDING

***** ANALYSIS FROM -0245/2 *****

Under current law, DNR administers the targeted runoff management program to provide financial assistance for projects to reduce nonpoint source water pollution in areas that have surface water quality problems. This bill increases the authorized general obligation bonding authority for the targeted runoff management program by \$7,000,000.

***** ANALYSIS FROM -0246/2 *****

Under current law, DNR administers programs to provide financial assistance for the management of urban storm water runoff and for flood control and riparian

restoration projects. This bill increases the general obligation bonding authority for these programs by \$6,000,000.

***** ANALYSIS FROM -0247/2 *****

Current law authorizes DNR to pay a portion of the costs of a project to remove contaminated sediment from Lake Michigan or Lake Superior or a tributary of Lake Michigan or Lake Superior. Current law authorizes the issuance of bonds for this purpose. This bill increases the bonding authority for sediment removal projects by \$5,000,000.

***** ANALYSIS FROM -0248/2 *****

Current law authorizes DNR to conduct or fund activities to investigate and remedy environmental contamination in some situations. This bill increases the authorized bonding authority to finance those activities by \$3,000,000.

***** ANALYSIS FROM -1037/1 *****

OTHER

This bill transfers from the petroleum inspection fund, which, among other things, funds the program to clean up discharges from petroleum product storage tanks, to the transportation fund \$19,500,000 in each year of the fiscal biennium.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

2011 DRAFTING REQUEST

Bill

Received: 02/22/2011

Received By: **chanaman**

Wanted: **As time permits**

Companion to LRB:

For: **Legislative Reference Bureau**

By/Representing:

May Contact:

Drafter: **chanaman**

Subject: **State Govt - miscellaneous**

Addl. Drafters:

Extra Copies:

Submit via email: **NO**

Pre Topic:

No specific pre topic given

Topic:

Analysis compile for environment

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/P1	chanaman	1P1kf 2/23		_____ _____			

FE Sent For:

<END>

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

~~Agriculture~~

Analyses

RCT & RUK

✓ 11-1284

Farmland pres.

11-1363

Bay Vocal

11-0162

Soil & water bonding

Environment

- 1514

Recycling

11-1050

Eliminate recycling requirement & funding

11-1320

Charges to recycling fund

Water quality

11-1328

stormwater discharge rules

11-1329

phosphorus effluent limitation

11-1369

Construction site erosion control

11-1033

Environmental improvement fund

Bonding

11-0245

Targeted runoff

11-0246

Urban stormwater

11-0247

Sediment removal

11-0248

Contaminated site

Other

11-1037

Transfer from petroleum inspection fund



State of Wisconsin
2011 - 2012 LEGISLATURE



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RET & RNV
KJF

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

see P. 4

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Analysis by the Legislative Reference Bureau

ENVIRONMENT

*** ANALYSIS FROM -1050/P3 ***

RECYCLING

Current law generally prohibits a person from disposing of certain materials in a landfill or incinerator. The materials include aluminum containers, glass containers, certain plastic containers, and office paper. Current law also requires a municipality to operate a recycling or other program to manage solid waste in compliance with the disposal restrictions, except that a county may assume this responsibility in place of municipalities within the county. DNR administers a program that provides financial assistance to local governments that operate recycling programs that satisfy criteria specified in current law.

This bill eliminates the requirement that a municipality or county operate a recycling or other program to manage solid waste in compliance with the disposal restrictions. The bill also eliminates the financial assistance program for local governmental recycling programs. The bill modifies the disposal restrictions that cover materials like aluminum containers so that an individual is prohibited from

such as aluminum containers,

unless the

prohibits

placing the materials in a container the contents of which will be disposed of in a landfill or incinerator.

*** ANALYSIS FROM -1320/2 ***

SOLID AND HAZARDOUS WASTE

Under current law, the main sources of revenue for the recycling and renewable energy fund are the recycling tipping fee and the recycling surcharge. The recycling tipping fee is one of several fees, often called tipping fees, that are based on the weight of solid waste disposed of at a landfill or other waste disposal facility. Currently, the recycling tipping fee is \$7 per ton of solid waste disposed of, other than certain kinds of high-volume industrial waste. The recycling surcharge is imposed on businesses that have at least \$4,000,000 in gross receipts. The minimum annual surcharge is \$25 and the maximum annual surcharge is \$9,800.

This bill renames the recycling and renewable energy fund to be the economic development fund and renames the recycling surcharge to be the economic development surcharge. Under the bill, \$4 per ton of the recycling tipping fee is deposited in the economic development fund and \$3 per ton is deposited in the environmental fund. The bill also changes the current appropriations from the recycling and renewable energy fund that are for purposes related to the environment to be from the environmental fund.

*** ANALYSIS FROM -1328/3 ***

WATER QUALITY

Under current law, DNR is required to promulgate rules prescribing performance standards for facilities or practices that cause, or have the potential to cause, nonpoint source water pollution. Nonpoint source water pollution is water pollution that does not result from a discernible, confined, and discrete conveyance such as a pipe, well, or concentrated animal feeding operation.

This bill requires DNR to repeal and recreate its nonpoint source water pollution rules effective 90 days after this bill's effective date. The bill specifies that the rules may not be more stringent than the requirements under the federal Water Pollution Control Act. The bill also specifies that, to the extent allowed under federal law, if DNR's rules establish a deadline by fixing a date by which certain municipalities must achieve a minimum reduction in total suspended solids for runoff from existing development, the rules must also provide that the fixed-date deadline does not apply to a municipality that determines that compliance with the deadline would have a significant adverse economic impact on that municipality.

*** ANALYSIS FROM -1329/1 ***

Under current law, DNR may promulgate rules that establish effluent limitations concerning the discharge of phosphorous (phosphorous rules) if the federal Environmental Protection Agency has not promulgated an effluent limitation, effluent standard, or prohibition concerning this type of discharge.

This bill prohibits DNR from promulgating or enforcing a phosphorous rule if the phosphorous rule establishes effluent limitations that are more stringent than the effluent limitations established by any of the states of Illinois, Indiana, Michigan, Minnesota, or Ohio.

*** ANALYSIS FROM -1369/1 ***

to obtain compliance
with these requirements

commercial
Under current law, DNR is required to establish statewide standards for erosion control at building sites for the construction of public buildings and buildings that are places of employment (commercial buildings). Under current law, plans for erosion control at commercial building construction sites must be submitted to, and approved by, DNR or a county, city, village, or town to which DNR has delegated authority to act (delegated municipality). Current law also requires that DNR or a delegated municipality inspect erosion control activities and structures at commercial building construction sites. Under current law, DNR, or a delegated municipality may issue a special order directing the cessation of work on a commercial building construction site until any required plan approval is obtained or until the site complies with erosion control standards.

This bill transfers the responsibility for administering the laws with regard to erosion control at commercial building sites from DNR to Commerce.

at subsidized rates that *** ANALYSIS FROM -1033/3 ***

Under the Clean Water Fund Program, this state provides financial assistance for projects for controlling water pollution, including sewage treatment plants. One form of financial assistance provided under the Clean Water Fund Program is a loan at a subsidized interest rate.

Under current law, the interest rate for projects that are necessary to prevent a municipality from exceeding a pollution limit in its wastewater discharge permit is 60 percent of the market interest rate, which is the interest rate on bonds issued by the state for the Clean Water Fund Program. The interest rate for projects for the treatment of nonpoint source pollution and urban storm water runoff is 65 percent of the market interest rate, and the interest rate for projects for unsewered municipalities is 70 percent of the market interest rate. This bill changes the interest rate for all of these kinds of projects to 80 percent of the market interest rate.

The budget bill for each fiscal biennium establishes the present value of the subsidies that may be provided under the Clean Water Fund Program during that fiscal biennium. This bill sets the present value of the Clean Water Fund Program subsidies that may be provided during the 2011-13 biennium at \$54,400,000. The bill also increases the revenue bonding authority for the Clean Water Fund Program by \$353,000,000.

Another form of financial assistance that this state provides under the Clean Water Fund Program is financial hardship assistance. A municipality is eligible for this type of assistance if the median household income of the municipality is 80 percent or less than the state median household income and if the estimated total annual charges per residential user that relate to wastewater treatment would exceed 2 percent of the median household income in the municipality without financial assistance. Current law limits the amount that this state may provide in the form of financial hardship assistance to 15 percent of the total Clean Water Fund Program present value subsidy in a fiscal biennium. This bill changes the percentage to 5 percent.

construction or modification
Under the Safe Drinking Water Loan Program, this state provides loans to local governmental units for projects for the construction or modification of public water systems. *at subsidized rates* (The loans are provided at subsidized interest rates.) The budget bill for each

DRL renamed the Department of Safety and Professional Services under this bill

fiscal biennium establishes the present value of the subsidies that may be provided under the Safe Drinking Water Loan Program during that fiscal biennium. This bill sets the present value of the Safe Drinking Water Loan Program subsidies that may be provided during the 2011-13 biennium at \$30,700,000. ~~The bill also increases the general obligation bonding authority for the Safe Drinking Water Loan Program by \$9,400,000.~~

Under current law, DNR is required to establish a funding list for each fiscal year that ranks projects under the Safe Drinking Water Loan Program ~~for which a local governmental unit has submitted an application for financial assistance.~~ Under current law, in any fiscal biennium, a local governmental unit may not receive more than 25 percent of the amount of the present value of the Safe Drinking Water Loan Program subsidies established for that biennium. This bill changes that limit to not more than 25 percent of the funds that DOA projects will be available for financial assistance under the Safe Drinking Water Loan Program for that biennium.

*** ANALYSIS FROM -0245/2 ***

Under current law, DNR administers the targeted runoff management program to provide financial assistance for projects to reduce nonpoint source water pollution ~~(that is, pollution from diffuse sources)~~ in areas that are targeted due to surface water quality problems. This bill increases the authorized general obligation bonding authority for the targeted runoff management program by \$7,000,000.

*** ANALYSIS FROM -0246/2 ***

Under current law, DNR administers programs to provide financial assistance for the management of urban storm water runoff and for flood control and riparian restoration projects. This bill increases the general obligation bonding authority for these programs by \$6,000,000.

*** ANALYSIS FROM -0247/2 ***

Current law authorizes DNR to pay a portion of the costs of a project to remove contaminated sediment from Lake Michigan or Lake Superior or a tributary of Lake Michigan or Lake Superior if the project is in a water body that DNR has identified under the federal Clean Water Act, as being impaired and the impairment is caused by contaminated sediment. Current law authorizes the issuance of bonds for this purpose.

~~no~~ This bill increases the bonding authority for sediment removal projects by \$5,000,000.

*** ANALYSIS FROM -0248/2 ***

HAZARDOUS SUBSTANCES AND ENVIRONMENTAL CLEANUP

Current law authorizes DNR to conduct or fund activities to investigate and remedy environmental contamination in some situations. This bill increases the authorized bonding authority to finance those activities by \$3,000,000.

*** ANALYSIS FROM -1037/1 ***

COMMERCE AND ECONOMIC DEVELOPMENT

BUILDINGS AND SAFETY

This bill transfers from the petroleum inspection fund to the transportation fund \$19,500,000 in each year of the fiscal biennium.

which, among other things, funds the program to clean up discharges from petroleum product storage tanks,

Did not appear to be in comm. compile

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.